

SECTION 4 - LAND ACQUISITION

GENERAL REQUIREMENTS

Land acquisition for airport development whether acquired with federal, state, or local funds must meet all SBGP environmental, appraisal, acquisition and relocation assistance requirements if SBGP funds are expected to be used for future airport development. The MoDOT Aviation Section will notify the sponsor when all environmental requirements have been satisfied to allow the right of way acquisition to proceed.

To be eligible for SBGP reimbursement the parcels to be acquired must be shown on an approved airport layout plan. It is generally assumed that all airport property to be used for airport development will be acquired in fee simple. However, easements may be in order for fly over and some FAR Part 77 defined imaginary surfaces. If easements are to be acquired they must give the airport sufficient rights to control penetrations, remove obstructions, and restrict development within the easement area. It is preferred that all runway protection zones (RPZs) be owned in fee simple. When fee simple ownership of the RPZ is not possible the RPZ easement, if acquired, must give the sponsor sufficient control of the RPZ to meet all RPZ requirements.

If the sponsor chooses to proceed with right of way acquisition prior to the necessary approvals and a notice to proceed being issued by MoDOT, the sponsor may be liable for all costs associated with the acquisition. To ensure that acquisition costs will be eligible for reimbursement, when all environmental matters have been cleared and funds become available, the sponsor should work closely with the MoDOT Aviation Section and Right of Way Division to ensure that all SBGP requirements have been met. Acceptance of the sponsor's preapproval acquisition methods and procedures does not constitute a commitment of funding on the part of MoDOT. Should environmental matters not be cleared or airport development funding not become available, the sponsor will be responsible for all acquisition costs associated with right of way acquired prior to the issuance of all necessary clearances and a notice to proceed by the MoDOT Aviation Section.

After property for airport development or surface protection, whether acquired in fee simple or by easement, is acquired it must be shown on the updated Exhibit "A" Property Map. It is the sponsor's responsibility to ensure that the Exhibit "A" is kept current.

The laws and regulations governing right of way acquisition can be quite complex. Failure to meet all of the acquisition requirements can be very time consuming and may cause lengthy project delays. In many cases where the right of way to be acquired is not necessary for the current airport development, acquisition can proceed concurrently with the airport development. Sponsors of right of way acquisition projects should contact the MoDOT Aviation Section prior to any right of way activity to ensure that the parcels proposed for acquisition are eligible for funding under the SBGP and that all acquisition requirements are being met. The Aviation Section will arrange for all necessary meetings with MoDOT right of way personnel.

SECTION 4 - LAND ACQUISITION

APPRAISAL REQUIREMENTS

All acquisitions, whether easement or fee simple, require as a minimum one appraisal and one appraisal review, and an administrative review by MoDOT. All appraisals must be prepared in conformance with one of the three MoDOT approved formats. Appraised values or value conclusions cannot be used for acquisition negotiations until they have been approved by the MoDOT Right of Way Division.

CONTRACTING FOR APPRAISAL AND APPRAISAL REVIEW SERVICES

Prior to contracting for appraisal services, the scope of the appraisal assignment must be evaluated. A qualified individual representing the airport sponsor should visit the project site to identify the valuation problems, and determine the number and type of reports needed. MoDOT personnel are available to assist in this determination. The airport sponsor will contract for appraisals and appraisal reviews relying upon the roster of approved appraisers provided by the MoDOT Right of Way Division. Copies of the contracts are to be sent to the MoDOT Aviation Section, and forwarded to the MoDOT Right of Way Division for review and approval. The contract review will consider the type of appraisal formats to be performed, fee schedules, and any unique requirements for specific parcels or conditions. The Right of Way Division will determine the acceptability of the contracts and will either recommend to the MoDOT Aviation Section their acceptance or advise of any need for revisions.

When the sponsor receives the appraisals and appraisal review reports, copies are to be sent to the MoDOT Aviation Section. The reports are then forwarded to the MoDOT Right of Way Division for administrative review. The Right of Way Division will make a determination as to the acceptability of the appraisal and review appraisal reports and will recommend acceptance of the reports or will consult with the appraiser and/or reviewing appraiser to obtain corrections, having first advised the Aviation Section of the need for such corrections. (Technical Review includes a complete examination of the accuracy and appropriateness of the report as well as a recommendation of Just Compensation. An Administrative Review only determines if the appraisal and review report conforms to the appropriate laws and regulations.)

CONTRACTING FOR NEGOTIATION AND RELOCATION SERVICES

The MoDOT Right of Way Division will review contracts for fee negotiators and relocation specialists, and make recommendation when appropriate. MoDOT Right of Way personnel are available for consultation regarding negotiation methods and relocation benefits and eligibility.

RIGHT OF WAY DIVISION TO PROVIDE APPRAISAL AND ACQUISITION SERVICES (AGENCY AGREEMENT REQUIRED)

If the MoDOT work schedule permits, an agency agreement for various right of way acquisition functions may be entered into between the MoDOT Aviation Section and the sponsor. The agency agreement will be reviewed by the MoDOT Right of Way Division prior to submittal to the MHTC for execution. The agency agreement will clearly define the scope of right of way acquisition functions to be performed by MoDOT right of way personnel.

Technical appraisal review is the most likely service MoDOT may provide for the sponsor, thereby eliminating the need for the sponsor to contract appraisal review services. After the appraisal report is complete the sponsor will send a copy of the report to the MoDOT Aviation Section. The appraiser's report will be sent to the MoDOT Right of Way Division for a technical appraisal review. A Right of Way Division reviewing appraiser will determine the acceptability of the

SECTION 4 - LAND ACQUISITION

appraisal report and will recommend acceptance of the report and Just Compensation or work with the appraiser to obtain corrections, having first advised the Aviation Section of the need for corrections.

The agency agreement may set out an estimate of the costs and fees anticipated for the services provided. Although an estimate of MoDOT employees costs and expenses for performing the services set out in the agency agreement may be given to the Aviation Section and the sponsor by the Right of Way Division prior to rendering the services, billings to the Aviation Section and the sponsor will be actual costs incurred based on the salary and overhead rates in effect at the time the services are rendered for the various MoDOT right of way personnel engaged in providing the services.

If MoDOT Right of Way only provides analysis of the scope of appraisal issues and technical appraisal review, no Agency Agreement is required. Time and expenses incurred for these services will be reimbursed from the MoDOT Aviation Section's internal operating budget, and not charged to the airport sponsor.

REQUESTS FOR SPECIAL ASSISTANCE

At the preliminary stages of a right of way acquisition project, it is often beneficial to hold meetings between the Aviation Section personnel, the sponsor's prospective contractors, and MoDOT right of way personnel to address the acquisition issues.

Any request for professional assistance with special or unique right of way matters, including administrative settlements, will be made by the Aviation Section to the MoDOT Right of Way Division Assistant Director. The type of assistance and the personnel assigned to perform the assistance will be at the discretion of the Right of Way Division.

PROJECT ADMINISTRATION AND ENVIRONMENTAL APPROVAL

The Aviation Section will be responsible for authorizing sponsors to begin incurring right of way costs. The Aviation Section will notify sponsors of all project environmental requirements and when the environmental matters have been cleared.